

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference RD8145PCT		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEAA16)	
International application No. PCT/US 02/07864	International filing date (day/month/year) 01.03.2002	Priority date (day/month/year) 01.03.2002	
International Patent Classification (IPC) or both national classification and IPC D01D5/08			
Applicant E. I. DU PONT DE NEMOURS AND COMPANY			

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

- This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability


IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 29.09.2003	Date of completion of this report 30.03.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Hindia, E Telephone No. +49 89 2399-8492.



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/US 02/07864**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-23 as originally filed

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-23
	No: Claims	
Inventive step (IS)	Yes: Claims	1-23
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-23
	No: Claims	

2. Citations and explanations

see separate sheet

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Item V

Reasoned statement under Article 35(2) PCT with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following documents from the International Search Report have been considered for the purposes of this report:

D1=EP-A-0601372; D2=JP-A-03180529; D3=JP-A-53058024;
D4=JP-A-04024240; D5=JP-A-51143726; D6=JP-A-09003746;
D7=JP-A-07189058; D8=EP-A-0041865

2. **Novelty**

D1-D8 relate to methods of making mixed yarns. Claim 1 is directed to a method of making a polyamide yarn comprising simultaneously spinning of filaments from two different polyamides. The method in claim 1 differs therefrom in that this prior art either does not disclose the use of different polyamides or it does not teach that the filaments are simultaneously spun. Thus, the subject-matter of the present claims is considered to be novel and to meet the requirements of Article 33 (2) PCT.

3. **Inventive Step**

The problem addressed by the present application is to provide an improved method for the manufacture of mixed polyamide yarns for apparel textile end-uses that could be manufactured quickly and cheaply, and to mixed yarns, textiles and garments obtainable thereby. The problem has been solved by the method defined in the present claims. There are no doubts that the indicated problem has been solved by the claimed method having regard to the disclosure of the international application. The solution offered to the problem posed above cannot be derived in an obvious manner from a reading of prior art documents D1-D8 alone or in combination, since a method as in claim 1 wherein two groups of filaments of different polyamides are simultaneously spun followed by interlacing them with an air interlacing jet and winding up, is neither disclosed nor suggested by the prior art to solve the problem posed in the application. Therefore, the experimental results reported in the application demonstrate the attainment of surprising beneficial effects and that the applicant has solved the problem posed. The claimed method can therefore be regarded as a significant technical improvement over the prior art methods in this technical field. Thus, claims 1-23.

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- involve an inventive step and therefore comply with the requirements of Article 33(3) PCT.
4. Present claims 1-23 comply with the requirements of Article 33(4) PCT (industrial applicability).